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20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**
 22 **OAKLAND DIVISION**

23 ALEX PYGIN,

24 Plaintiff,

25 v.

26 BOMBAS, LLC; SHOPIFY (USA) INC.; and
 27 SHOPIFY INC.,

28 Defendants.

Case No. 4:20-cv-04412-JSW

**STIPULATION AND [PROPOSED]
 ORDER TO STAY PROCEEDINGS FOR
 60 DAYS PENDING SETTLEMENT**

Judge: Hon. Jeffrey S. White

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 6-2(a), Plaintiff Alex Pygin (“Plaintiff”), and Defendants Bombas LLC, Shopify (USA) Inc., and Shopify Inc. (collectively “Defendants” and, together with Plaintiff, the “Parties”) hereby stipulate and agree as follows:

WHEREAS, the Parties have reached an agreement in principle for a class settlement;

WHEREAS, the Parties are in the process of preparing a written settlement agreement;

WHEREAS, the Parties anticipate the process to finalize the settlement and for Plaintiff's counsel to move for preliminary approval will be completed within sixty (60) days;

WHEREAS, on November 18, 2020, the Parties completed briefing of Defendants'

Motions to Dismiss (Dkt. Nos. 36-42);

WHEREAS, on January 4, 2021, the Court vacated the hearing previously set for January 15, 2021 (Dkt. No. 43) on Defendants' Motions to Dismiss, and no other hearing date has been scheduled at this time; and

WHEREAS, the Parties do not wish to burden the Court while the settlement process is being completed.

WHEREAS, the Parties consider these settlement discussions, agreement, and related motions to be subject to Fed. R. Evid. 408 and reserve all rights to proceed with this case, without prejudice, if a settlement agreement cannot be finalized in a manner that the Court approves.

NOW THEREFORE, THE PARTIES STIPULATE AND AGREE, by and through their counsel and subject to this Court's approval, that this action be stayed for sixty (60) days pending finalization of the settlement agreement, and that the Court need not decide Defendants' Motions to Dismiss at this time.

IT IS SO STIPULATED.

1
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3 Dated: February 19, 2021

**CLAYEO C. ARNOLD,
A PROFESSIONAL LAW CORPORATION**

4 By: /s/ M. Anderson Berry
5 M. Anderson Berry

6 *Attorneys for Plaintiff
Alex Pygin*

7
8 Dated: February 19, 2021

ROPES & GRAY LLP

9 By: /s/ Anne Johnson Palmer
10 Anne Johnson Palmer

11 *Attorneys for Defendant
Bombas, LLC*

12 Dated: February 19, 2021

GIBSON, DUNN & CRUTCHER LLP

13 By: /s/ Joshua A. Jessen
14 Joshua A. Jessen

15 *Attorneys for Defendants
Shopify Inc. and Shopify (USA) Inc.*

16
17 * * *

18
19 **ECF ATTESTATION**

20 I, Anne Johnson Palmer, hereby attest that the concurrence in the filing of this document has
21 been obtained from the above signatories.

22 DATED: February 19, 2021

/s/ Anne Johnson Palmer
Anne Johnson Palmer

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

Jeffrey S. White
United States District Court Judge